

REMARKS

A. Objection to Claims

In the Office Action of June 2, 2003, claims 1-3 and 11-12 were objected to for several informalities. In particular, claim 1 was objected to for using “part” instead of “parts.” Claim 1 has been amended to change “part” to read as “parts.” Note that the reference to “part” at line 6 is believed to be incorrect and should refer to line 7 of claim 1. Accordingly, the objection has been overcome and should be withdrawn.

Please note that claim 1 has been amended to 1) broaden its scope by use of the term “closures” in the preamble, 2) use equivalent terminology such as “a” instead of “at least one”, 3) correct typographical errors such as using the word “part” instead of “parts” and 4) to stylize its language to everyday English and to use U.S. patent terminology without the use of numerals. Accordingly, these types of amendments are not being presented for reasons of patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

Claims 2 and 3 were objected to for not enclosing numerals with parentheses. Claims 2 and 3 have been amended to delete numerals “3” (claim 2) and “8” (claim 3). Accordingly, the objection has been overcome and should be withdrawn.

Claims 11 and 12 were objected to for lacking antecedent basis for “the

transmission.” Claims 11 and 12 have been amended to depend on claim 10 instead of claim 8. Since there is proper antecedent basis for “the transmission,” the objection has been overcome and should be withdrawn.

Please note that claims 11 and 12 have been amended to 1) correct typographical errors such as depending on claim 8 instead of claim 10 and 2) to stylize its language to everyday English and to use U.S. patent terminology such as replacing “characterized in that” with “wherein.” Accordingly, these types of amendments are not being presented for reasons of patentability as defined in *Festo*.

B. 35 U.S.C. § 112

Claim 1-12 were rejected under 35 U.S.C. §112, second paragraph, because the phrase “such elements” as recited in claim 1 is not disclosed in the specification. Applicant traverses the rejection in that claim 1 is part of the specification and so the phrase is disclosed in the specification. Accordingly, the rejection is improper and should be withdrawn.

Despite the impropriety of the rejection, the offending phrase has been deleted in order to expedite prosecution of the present application. Accordingly, the rejection should be withdrawn.

Please note that claims 3-10 have been amended to 1) use equivalent terminology such as “first and second piston-like parts” instead of “piston-like parts”, 2) correct

typographical errors and 3) to stylize its language to everyday English and to use U.S. patent terminology without the use of numerals. It is not believed that the scope or meaning of claims 3, 4 and 6-10 have been changed by the amendments. Accordingly, these types of amendments are not being presented for reasons of patentability as defined in *Festo*. Note that claim 5 has been broadened by using the phrase “consists essentially” instead of “consists” and so this amendment does not fall under the scope *Festo*.

C. 35 U.S.C. § 102

Claims 1, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Meyer. Claim 1 has been amended to clarify that the operable device is a movable closure. Since Meyer does not disclose or suggest a movable closure connected to a second piston-like part, the rejection is overcome and should be withdrawn.

D. 35 U.S.C. §103

Claims 1 and 4-12 were rejected under 35 U.S.C. §103 as being obvious in view of Current et al. and Manini. Applicant traverses this rejection. As admitted by the Office Action, Current et al. does not disclose using a compressive force transmitting medium. Manini is cited as curing the deficiencies of Current et al. However, there is no suggestion in either Current et al. or Manini to use a compressive force transmitting medium in Current et al.’s device. It appears the improper hindsight and Applicant’s own disclosure is the sole motivation for the combination. Without motivation from the

references themselves for such a combination, the rejection is improper and should be withdrawn.

E. Claims 2 and 3

It is noted that claims 2 and 3 have not been rejected based on the prior art. Since the objections and rejections of claims 2 and 3 have been overcome as mentioned above in Sections A and B, the claims should be allowable. Claim 2 has been amended so as to be in independent form and so should be allowed.

Since claims 2 and 3 have been amended to either 1) incorporate subject matter that is inherently present therein (claim 2), 2) use equivalent terminology, 3) correct typographical errors and 4) to stylize its language to everyday English and to use U.S. patent terminology without the use of numerals, these types of amendments are not being presented for reasons of patentability as defined in *Festo*.

F. Claims 13-17

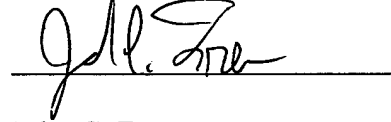
Claims 13-17 depend directly or indirectly on independent claims 1 and 2 and so are allowable for at least the same reasons stated above in Sections C and E.

Claims 13-17 are being presented to provide additional coverage for the operating devices of claims 1 and 2 and so are not being presented for reasons of patentability as defined in *Festo*.

CONCLUSION

In view of the arguments above, Applicant respectfully submits that all of the pending claims 1-17 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Freeman", is written over a horizontal line.

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